ON THE TERRITORIAL QUESTION. HOUSE OF REPRESENTATIVES, FEB. 6, 1850.

Mr. MORTON said: Mr. Chairman, I have long desired to obtain the floor, and have at last succeeded. I made an ineffectual effort some weeks past, in order to make an expla-nation; yet that favor could only be awarded by the unanimous consent of the House: one gentleman dissented, and I failed. I regretted it the less, however, from the fact that, by the rules of the House, as I could only obtain the floor by unanimous consent, so I could hold it only by the same consent, and therefore might, and probably would, have been cut off in the midst of what I might have intended saying. We are now in Committee of the Whole on the state of the Union, where full latitude of debate is allowed—where I shall have "sea-room" to define my position personally, and where I shall also have an opportunity, briefly but explicitly, to declare my opinions upon those great questions which agitate not only this House, but the country.

Mr. Chairman, this is the first deliberative body of which I have ever been a member. This circumstance alone, perhaps, might furnish a sufficient excuse for saying a few words in explanation of my position; but when, superadded to this, a gross act of injustice has been done me by a newspaper pub-lished in this city, and known as the "Republic," gentlemen on all sides will admit I have not only an excuse, but a justification for the remarks I am about to submit. In commenting upon the constitution of the committees of

the House, that paper thought proper to express itself thus in relation to the Committee for the District of Columbia ;
[Mr. M. here read the extract, setting forth that the Speak er had appointed on that Committee four Locofocos, three

Whigs, one Free-Soiler, and Mr. Monrov, of Virginia.] Now, (continued Mr. M.,) I acknowledge no right in any man of any party, still less do I acknowledge the right of any editor of any paper, to define my political position. Since the time I became entitled to the right of suffrage, I have cast seven Presidential votes. The first I ever gave was for William H. Crawford, of Georgia; the last was for Zachary Taylor. The intermediate votes were for those candidates who were run by the Whig party in my own State and in the nation; and I ask, if political opinions are to be defined by votes given in Presidential elections, how many members on this floor (yea, if the editors of the Republic) can furnish higher evidence of fealty to the Whig party?

Whatever my opinions may Again, as to my opinions. Whatever my opinions may have been, I nave always had independence to avow them, without reference to majorities or minorities; and those po-litical opinions I have entertained for the greater portion o my life, with a minority, but never less firmly or decidedly

It is unnecessary to refer to many questions, now obsolete It is sufficient to say that, when they were living questions, was always found in the ranks of the Whig party voting fo se measures, and sustaining them with such ability as God has given me. As regards that, which is still a living ques tion-I allude to the tariff-my opinions have ever been the same : and before that question was adopted as a part of the creed of the Whig party in my State and in the South, Ibelieved, as now, that, in raising revenue, we should give inci dental protection to our own labor and industry-that it is a system which gives to the nation independence and strength. Why, then, I ask, am I to be excluded from the pale of the Whig party by the Republic? It can only be because, in the recent organization of the House, I did not vote for the nominee of the Whig caucus.

I arrived in Washington the evening the caucus was held ; when I entered the room there was but a single member with whom it might be said I was acquainted, and even with him had not exchanged a word upon the subject. To several members I had been introduced. Before I entered, the resolution of the distinguished gentleman from Georgia (Mr. Toomas) had been submitted, and he had delivered his I listened to the discussion for some time, and re quested that the resolution might be read. It was, and there upon I took my ground promptly, decisively, independently. I sustained the resolution, and, as I wish to preserve it as a leaf in our political history, I will read it:

"Resolved, That Congress ought not to pass any law pro-hibiting slavery in the Territories of California and New Mexico, nor any law abolishing slavery in the District of Columbia

Mr. M. continued. I insisted upon the passage of the resolution : that, whilst I was elected as a Whig, my constituents and myself regarded the slave question as above party questions; and that I believed the passage of the Wilmo proviso and the abolition of slavery in the District of Co-lumbia involved not only the existence of parties, but the unity of the republic. These were the grounds upon which men were asking too much from Northern men, if they de-sired them to co-operate in the organization of a nati-nal party; that they should satisfy us they were co-operating with friends. that I did not choose to unite in any organization, when the result of it would be to inflict irreparable injury upon the South and upon the Union. My position in the reported proceedings of the caucus was given to my friend from Georgia, (Mr. Owns.) This arose from the mistake of the secretary, to whom I attach no blame. And here, Mr. Chairman, permit me to remark, upon questions which I consider ed cital—the Wilmet provise and the abelition of slavery in the District of Columbia-so far as I could gather sentiment, there seemed at that time to be a painful unanimity, in North ern minds of both parties, that these measures would be passed and submitted to by the South. I knew otherwise.
My love, affection, and devotion to the Union prompted me, without hesitation, to take the position which I considered indispensably accessary to dispel the delusion in which Northern minds were shrouded—that these things could be done, and done safely.

And, so far from considering this to be a disorganizing spirit, I regarded it as highly conservative. I believed, if the dangers which periled the republic were known and fell through ut our land, the national mind would be aroused, e national heart touched, and our glorious Union preserved. Immediately after the resolution and a substitute had been voted down, with five other gentlemen I left the caucus; thus washing my hands of all responsibility for its action. Whilst I felt the force of party ties, yet, upon a question involving Southern rights and the peace of the mion, party ties were no mere to me than flaxen bands beme. I knew I took a responsibility in the course pursued. I am willing to meet it here; I am willing to meet it every where. I knew there was a general expectation among the Whige, North and South, that the distinguished gentleman from Massachusetts (Mr. WINTEROF) would be the nominee of the Whig party. I knew that a majority of my constituents, with the lights then before them, were solicitous for his election. But believing, as I did, that a crisis had arrived , believing the delusion of the Northern mind unbroken, would be fatal to our institutions and happin should have soomed myself if I could have thought of self and forgotten my country. I came into public life an honest and, I trust, a patriotic man , with the blessing of God, I wil leave it as such. My country was in danger; with gallant spirits I threw myself into the breach. I took responsibility, but the responsibility of a patriot. If I perish, I perish The Wilmot provise was the great question in my canvass My opin one were known to my constituents. I made the declaration that it was unconstitutional, unjust, oppressive insulting to the South , that where Virginia took her uid be found, not among her shiest, but her trues

sons. That position I then occupied - that position I maintain. of those who have yet despaired of the republic. I felt this day every sentiment urtered by the elo quent gertleman from Georgia, (Mr. Syrarass.;) I wished, ment, to respond to those noble sentiments of patri otic f ever. I have as much to bind me to this Union as any man within this half ; I have family ties, which, like "hooks of weel." draw me to it. But I have not forgotten-I can not-I never will forget what I owe my nountry, what owe the South, what I own the Union. My this Union will be perpenuated hust it will be preserved by its different sections understanding one another. If the heed less course which has been pursued should continue, let those measures which I believe Northern men, when we met her in consect, throught barming-ict three measures, I say, to consummated, and there will remain mother affection for the Cases nor extrangth to hold it together. It will be severed but never by a Sou here hand. It will be severed by the rock loss feneticism of Northern men. I said my effort was preserve the Usion, and hence it was, in sine of the defusion Northern mind, of which I have spoken, that I voted against the disringuished gentions an from Musach setts, (Mr. Wassenson,) in the organization of the House, not that I did not believe him a Whig, not that I did not believe him an accomplished gentlemen, but I did as upon national constitutional grounds, that the North and South should understand each other, that, if we permitted a spendy or an nation, the probability that those measures which i creader of fraught with danger to the country, would, in het haste, be passed before the customi heart could be touched, or the na anal mind awakened. I did not seemd to write a good doman whom I believed to be in facur of the Wilmon provise. I did not jetend to vite for a gentleman whom I believed : he in favor of the about som of markey in the District of Column bia. I did not in end to wore for a gen terms who had stood in a triviolity of farty-eight against the administ of Fi rida as a slave State in the Union. I say this with the most perfect respect to the distinguished gratheman from Marsache setts. Nor do I believe that, in a crivis like the present, my consisturate, with those lights before them, would have expected or washed me to have given such a vote.

Having now, Mr. Chairman, devoted as much time as deem accessing in defining my position, I compectfully made the attention of the committee to the few remarks I may be enabled to make within the brief hour upon these great ou

jects which now agiture the nation. I said, Mr. Chairman, that it was important that the North has her complaints against the North : she has her grawations. And I do successly think that if all of us, from the North and the South, can be parted a smooth to look at them de-

liberately, we shall find that they are founded in justice, and of Representatives, 25th Congress, third session, page 60, page- | sion of the remainder. It is no freply to this to say, citizens that these are no idle complaints on the part of the South. I ask whether there is any right more firmly guarantied in our constitution than the right which Southern men have under its provisions to reclaim their fugitive slaves? The second ection of the fourth article of the constitution reads in these

" No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." The immediately preceding clause of the same article (con-

tinued Mr. M.) is in the following words:

"A person charged in any State with treason, telony, or other crime, who shall fice from justice, and be found in another State, shall, an demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

This right (continued Mr. M.) which a Southern man has to claim his property is a right which has been acknowledged, and is now acknowledged, by every intelligent man in the nation—in the North and in the South. The demand was to be made upon the State, and it was a demand to be made in favor of the party claiming the property; and, if national legislation was not sufficient to effect it, it was the duty of Northern men to co-operate in rendering obedience to the provisions of the constitution. The terms of the section which relate to fugitives from justice are the same-to be "delivered up." It is conceded on all sides that there has been acquiescence on the part of the North in the provision respecting fugitives from justice; whilst, in respect to fugitives labor, there has been not only resistance, but also adverse legislation. So far from extending the aid which we had a right to expect, and which our fathers who framed the constitution did expect, there has been adverse, hostile legisla tion. And the question might be pertinently made why has there been this difference in respect to fugitives from justice and fugitives from labor? Can it be that the North, as well as the South, is interested in reclaiming fugitives from justice, whilst the South alone is interested in reclaiming fugitives from labor? Mr. Chairman, in order to show the portance of this clause of the constitution, as conceded by the Northern men, I will quote a short extract from a decision made by Judge Baldwin in the case of Prigg against the State of Pennsylvania, 16 Peters. It is as follows: " It is historically well known that the clause in the Con

attution of the United States relating to persons owing service and labor in one State, escaping into other States, was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State of the Union into which they might escape from the State in which they were held in servitude. The full recogni-tion of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic inte-rests and institutions, that it cannot be doubted that it constinuted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevailing in the non-slaveholding States, by preventing them from intermed-dling with or obstructing or abolishing the rights of the owners of slaves."—Prigg vs. Commonwealth of Pennsylvania, 16

That was the doctrine of Judge Baldwin upon that subject I will now read a short extract from an opinion of Judge Mc-Lean, given in charge to a jury during the last fall, in holding his circuit court in Indiana. In commenting upon this clause

of the constitution, he says:
"The clause in the constitution which has been read, and the act of Congress in regard to fugitives from labor, were in-tended to cover the services of slaves as well as those of apprentices. From the history of the times, we know the recognition of this power in the States, and in this form, was essen tial to the adoption of the constitution; and on this principle of compromise the compact of the Union was formed."-[Western Law Journal—Judge McLean's charge in the case of Ray va. Donnell & Hamilton, Circuit Court of the United States, District of Indiana.

I ask, Mr. Chairman, if Northern men will form their inions by the judgment of Northern judges? I have quoted the decisions of two distinguished Northern jurists, who agree in saying that this was a fundamental article of the constitu tion, without the engrafting of which the constitution never would have been framed. I ask if there is a Northern man bold enough to stand up upon this fiper and say that that fundamental article of the constitution has not been trampled in the dust ' Yes; Northern men acknowledge it is a dead letter. And why is it a dead letter ' Because of their hostile and adverse legislation.

Mr. Ginnings interposed, and asked if the gentleman from Virginia would permit him to inquire very respectfully—
The Chairman. Does the gentleman from Virginia (Mr. Monron) yield the floor?

Mr. Monton. My time is very limited. Mr. Giddless. I wished merely to ask the gentleman to name any State which has violated that clause of the con-

Mr. Monrow, (resuming.) It would be very difficult to name any Northern State which has not violated it. You ave violated it by mobs; you have violated it by legislation. Mr. Gippings. Will the gentleman name one State which

has violated it by legislation? Mr. Monrow. Pennsylvania, Rhode Island, Massachu setts, and many other northern States. It would be easter to name the exceptions than to name the States. I trust the gentleman will not interrupt me with such inquiries as that. gentleman will not interrupt me with such inquiries as that, when the history of the times stamps truth upon every word have said, and Northern men, who are not sunk in f fanaticism, acknowledge it.

I was going to ask, if this was regarded as a fundamental article of the constitution-without which, as Northern men and Northern judges have declared, our fathers never would have framed that instrument-if in this day and this hour there is less need, as a security to the South, for that provision than there was when the constitution was adopted that time the fathers of Northern men intended, and the fathers of Southern men expec ed, that this provision would be honestly carried out. But of late a spirit has arisen in this nation that has swept away this guaranty, this security for Southern property; for whatever gentlemen from the Northern States may think upon this question, however they may recur to the principles avowed in the Declaration of Independence, and appeal to the law of God-neither of which they read as they were intended to be read-the South look upon their slaves not only as persons, but as property. Your fathers acknowledged they were properly; our fathers maintained they were property. Their descendants know them to be property, guarantied by the constitution; and all they ask Northern men is adelity, honesty in giving that security which the constitution intended. I ask again, with wha countenance can a Northern man rise on this floor and say that this agitation is the agitation of the South : that this aggression is the azgression of the South, when Northern mer admit that this was a fundamental clause, that it was the corner stone of the constitution ' That corner-stone ruthless hands have snatched from under the building and cast into the sea of fanaticism. No, there is not an honest Northern man, whose mind is not completely shrouded, who can doubt for moment that Southern rights, guarantied to us by the constitution, have been disregarded and trampled in the dust; and it is not in the mouth of a Northern man to say that the South

complains unjustly.

Mr. Chairman, I will now submit a very few remarks upon another question that seems to disturb the consciences of Northern men to such an extent, that, rather than not carry out their purposes, they would convulse the country and dissolve the Union. I refer to the abolition of slavery in the District of Columbia. And here permit me to say that this is a question which touches the heart and probably the interalmost every member of my constituency. And did they but believe that there was the determination-which before God I could not doubt from the signs before me upon the convening of this Congress-on the part of the Northern members to abolish slavery in this District, so far as the legislative action of Congress is concerned, there would be just the same determined, unanimous resistance, at all hazards and to the last extremity, as if the assault had been directly upon

the institution in the slave States. Sir, how does this question stand ' The District of Coambia was originally ceded by the States of Virginia and Maryland, lying in the midst of them-between them-as a seat of national legislation, not as a seat of national agitation.

They were then slavenolding States: they continue to be s'aveholding States; and it is regarded by my constituents, and all the South, that this essay towards the abolition of slavery in the District of Columbia is not only a step, but a direct aggression upon Southern institutions in the States. They look upon it as not only unconstitutional, but as a breach of faith on the part of the National Legislature; not only as a breach of faith, but insulting to the South. Would Maryland and Virginia have ever ceded the District to the General Government had the slightest intimation been given that it intended to abolish slavery ! Is the abolition of slavery researy to the full enjoyment of the grant ' Are modern mon ourer than Washington and Madison! Congress has cardustee power of legislation, but has Congress an absoe, omnipatent power? Will the South ever consent that stavery shall be abolished in the District, whilst it exists in Mary and and Virginia ' That it shall be perverted from its into a fort and arsenal, from which enemies and madmen may with impunity hard the missiles of sedition in her midst hat it shall be made the grand centre from which Southern institutions may be assailed by such as make profit from fanamed feelings. No , never, never. Am I placing a harsh enstruction upon the intentions of the abolitionists in regard this subject ' I do not intend it-I do not believe I am. will read, Mr. Chairman, a resolution which was passed y this House in December, 1838, eleven years since. It was one of a series, the adoption of which, it was hoped by the South as well as by considerate men of the North, would section this question. That resolution is in these words

Reserved. That petitions for the abolition of slavery in the Discrete of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, is a part of a plan of operations set on foot to affect the insti-

It was presented by a Northern man, from the State of New Hampshire. The resolution was discussed and adopted, yeas 136, nays 65, more than two to one. It was declared by a solemn vote of the House that the a solemn vote of the House that the effort to abo very in this District was an indirect means to abolish it in the States. Northern men voted with Southern men, and voted the truth. How, then, can Southern men be complained of for resisting this effort now? And how can it be alleged that the South is too sensitive upon this question when eleven years ago more than two to one of the House of Representa-tives declared that to be the true intention, and which the South now feels to be the fact?

This question may probably be more forcibly brought to the hearts of Northern men by supposing that, instead of Vir-ginia and Maryland ceding the District of Columbia to the General Government, the "Old Bay State" had ceded ten miles square, including the beautiful city of Boston; that there for forty years the Representatives of this nation had deliberated in patriotic councils for the happiness, peace, and prosperity of our great and growing country. Suppose that after this bigots in the South had discovered that the absence of slavery was the greatest curse, and its existence would be the greatest blessing to the North, and that this blessing ld be established in that district. Suppose this was urge with the philanthropic view of forcing upon the North the institution of slavery. Suppose the bigots in the South had noculated men, women, and children with the same fee and that the South had a numerical superiority at the ballot-box, and were resolved to make the North more prosperous and happy at all hazards, with what spirit would such an insult and outrage upon Northern feeling be met by the de-scendants of the Pilgrim Fathers! They would point to the Heights of Bunker for the answer. The voice of the entire North would then be, resistance at "every hazard, and to the last extremity.

But how far short of the actual case would this supposed one come ' How much more malignant and gross is the insuit? The supposed case would, if accomplished, compel no man to purchase slaves; it would not be to deprive the North of their fertile fields, rich manufactories, and noble cities. But, in the case of the District of Columbia, millions upon millions of our property is sought to be destroyed, our fields desolated, our homes invaded, and every thing periled which makes life desirable. Will not every candid man say that this is a sad grievance to the South? Who can say there is undu sensibility upon this subject?

Permit me to read an extract from the speech of one of the great men of the age, if not the man of the age. I read from the speech of HENRY CLAY :

"Sir, I am not in the habit of speaking lightly of the possi-bility of dissolving this happy Union. The Senate knows that I have deprecated allusions on ordinary occasions to that dire-ful event. The country will testify, that if there be any thing in the history of my public career worthy of recollection, it is in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to it lasting preservation. But we should be fulse in our allegiance to is, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States as one man against the inhabitants of the slare States. Union on the one side will beget union on the other; and this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions, and implacable animosities which ever degraded or deformed human nature. A virtual dissolution of the Union will have taken place, whilst the forms of its existence remain. The most valuable element of union—mutual kindness, the felings of sympathy, the fraternal bonds which now happily unite us—will have been extinguished for ever. One section will stend in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these abolitionists satter themselves that if they succeed should these abolitionists matter themselves that it they succeed in their object of uniting the people of the free States, they will enter the contest with a numerical superiority that must nsure victory. All history and experience prove the hazard nd uncertainty of war. And we are admonished by Holy Writ that the race is not to the swift, nor the battle to the strong. But if they were to conquer, whom would they conquer? A foreign foe? One who had insulted our flag, invaded our shores, and laid our country waste? No, sir; no sir. It would be a conquest without laurels, without glory;

dependence.
"The inhabitants of the slave States are sometimes accuse "The inhabitants of the slave States are sometimes accused by their Northern brethren with displaying too much rashness and sensibility to the operations and proceedings of abolitionists. But, before they can be rightly judged, there should be a reversal of conditions. Let me suppose that the people of the slave States were to form societies, subsidize presses; make large pecuniary contributions, send forth numerous missionaries throughout all their borders, and enter into machinations to burn the beautiful capitols, destroy the productive manufacturies and sink in the near the callant ships of the manufactories, and sink in the ocean the gallant ships of the portion of the Union towards another? Would they excite notion, occasion no manifestations of lead to any acts of retaliatory violence? But the supposed case falls far short of the actual one in a most essential circumstance. In no contingency could these capitols, manufactories, and ships rise in rebellion and massacre the inhabitants of the Northern States."—Mr. Clay's Speech, Senate U. S. 1859. Mallory's Life and Speeches of Henry Clay, vol. 2,

self, a suicidal conquest; a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our

country from the British Crown, and established our nations

We see here that Mr. Clay inculcated the idea that it is in vain to say that there is no danger to this Union from the abolition movement-that union upon one side would beget union on the other side. And as a commentary upon that, which is the true sentiment, let me tell you, as I tell the nation, the grand secret of the peril in which we are placed. We have been told by Northern men that the abolitionists were looked upon with scorn and contempt at the North, and we had the assurance of the North that they were too incensi-derable in numbers to peril our position. We believed it, and I have believed it in former times; but although they were small in number, and still may be small-would God they may become less, until they vanish from the earth yet they have become sufficiently numerous to decide the elections of the North, and both political parties. Whige and Democrats, have courted the aid of the abolitionists, until Northern opinion-so far as we can judge of Northern opinion from elections, from State resolutions, and by the positions of Northern Representatives upon this floor-stands as one man, (I say as one man, though there may be, and I believe there are, a few exceptions,) pledged to suppor measures which we consider fatal to the South. Tell me not of a man not being an abolitionist who is for hastening upon the country the abolition of slavery in the District of Columbia, and for the passage of the Wilmot proviso; he is as dangerous an enemy to the South as the distinguished

gentlemen from Ohio (Mr. Grannes) himself. And this sectional union at the North, which was achieved by both political parties courting the votes of the abolitionists, led to a union on the part of the South; and that union of the North satisfied the South that she had to rely on herself that the Northern allies would desert her, and desert her forever, if she would tamely, ignominiously submit to have every thing swept from under her. It was a delusion on the par

orthern men on this subject. But, Mr. Chairman, I said I had confidence in the Union. I have, because there is too much of patriotism in Northern hearts, there is too much intelligence in Northern minds, for them ever to consummate those measures that would result in destruction to the Union, in wrecking the bright hopes of the world. They now believe that the South is in earnest, and means to " resist this aggression, at every hazard and to the last extremity;" and I as much believe it as I believe there is a God in heaven; and I say as a Whig, and I say it too as a national man, I want to preserve the Union. The Union can be preserved alone by rendering justice to the South. I will now, Mr. Chairman, submit my views on the Wilmot proviso. Whence the power to pass it? The General Government is a Government of limited powers. It has none which do not flow from the constitution as its fountain. The General Government springs out of the constitution—or, I should racher say, is created by it—and every office and function it has emanates directly or indirectly from that instrument. If the power exists, it must be by express grant, or fair im plication from an express grant. Where is the express grant If it exists at all, it is under the 3d section of the 4th article of the constitution, which declares, "Congress shall have 'power to dispose of and make all needful rules and regula-'tions respecting the territory or other property belonging to 'the United States." By a fair construction of this clause, the power granted "to make all needful rules and regulations" is for the territory as property; for it is "respecting the territory or other property belonging to the United States." No political power is here granted; it is only the same power which is given over "other property" belonging to the United States. Few of the advocates of the Wilmot provise at this day set the covers on this setting. day rest the power on this section. Driven from this ground, they intrench themselves under the treaty-making power and the war power. I doubt not, but under either of these pow ers territory may be acquired—by treaty or by conquest.

When thus acquired, there is a resulting or a necessary power of government. But how? Not out of the constitution; not independent of the constitution; not against the constitution, but under the constitution. The constitution extends over the territory. The territory is acquired by the Government; the Government emanates from the constitution, and where the Government lawfully exists, there the con stitution must be in force. But does the constitution exterad there for the berefit of one State, or half the States, or

of the South may sell their slaves, or go without them, and therefore the territory is open to them. No sir, no! North-ern men know nothing of the strong attachment which exists between the master and his slaves. Whilst they are properbetween the master and his staves. Whilst they are property, still they are persons, and so regarded by their owners. In addition to this feeling, by education, by habit, we are accustomed to slave labor. It is our property, which we know how to use and direct; and to say we, thus situated, may go now to use and direct; and to say we, thus situated, may go if we choose without our slaves, is to say we shall not go at all. Would it not be insolent in the South to say to the North, the territory is open to you; go, but you shall not take your machinery, ploughs, looms, and anvils with you? Is it expected Southern men should have less sensibility, less feeling, less pride, when an indignity is offered to them?

Suppose partners in trade were to accumulate property to a large amount out of the common funds of the partnership, and by the labor of the joint partners; suppose the majority should determine to appropriate the whole acquisition to themselves, would not this violate the fundamental rights of the minority, and shock the moral sense of every honest man

How do the cases differ But, again, I hold that the General Government cannot do indirectly what it cannot do directly. If there is a gentle-man on this fl or who controverts this position, I refer him to a resolution I have before me, which was passed by the House of Representatives of the 25th Congress by a vote of near six

"Resolved, That Congress has no right to do that indirectly which it cannot do directly."—Yeas 170, nays 30.—Jour. 25th Congress, 3d sess. page 62.

Well, then, I ask, if a constitution is presented to Con-gress of a State asking admission into the Union, is it com-petent for us to decide upon the character of that constitution further than upon the question whether it is republican in its provisions. The question whether it admits or interdicts slavery does not affect its republican character. It is unnecessa for me to refer to what was the condition of the States at the formation of the constitution. An overwhelming majority were slave States, and nothing was further from their intention than to say that slavery was inconsistent with a republican Government. The constitution guaranties to every State a republican form of government. If a State, seeking admission, presents a constitution not republican, Congress could not admit her into the Union. But when its comes to decide whether the constitution is republican in it character, the question whether it allows or interdicts slavery does not arise; and no one could justly contend that Congress would have the right to refuse admission only because the constitution permitted slavery. But if you say that territory which is to be carved into States of this Union should receive

slaves in it, you provide in effect that none but non-slaveholders should go there; and when the population becomes sufficiently large to form a constitution and apply for admis-sion as a State, the constitution formed by non-slaveholders, whom alone you have allowed to go, will, as a matter o course, interdict slavery. You will thus accomplish indirect-

by what cannot be done directly.

But it is contended that the Supreme Court of the United States has settled the question of the constitutional power, and the opinion of John Marshall is invoked. No person has higher veneration for the character and sound judgment of that illustrious man than I have. He stands foremost in the ranks of the judges of our country, and second to no one in the age in which he lived. But I have seen no decision of his which authorizes the assumption. The question did not arise in any case. He decided that Congress has the power of legislation for the Territories. This I conceded; but not the absolute, unlimited power—a power controlled by, and not

overriding the constitution.

But I will give you the opinion of "the Father of the Constitution"—the pure and able expounder of the work of his own hands—James Madison. In reply to a letter from Mr. Monroe, during the Missouri controversy, he says

"The questions to be decided seem to be—
"1. Whether a territorial restriction be an assumption

illegitimate power; or,
"2. A misuse of legitimate power; and if the latter only whether the injury threatened to the nation from an acquies-eence in the misuse, or from a frustration of it, be the greater.

"On the first point there is certainly room for difference of opinion, though, for myself, I must own that I have always leaned to the belief that the restriction was not within the true

scope of the constitution.

"On the alternative presented by the second point, there can be no room, with the cool and candid, for blame in those equiescing in a conciliatory course, the demand for which was eemed urgent, and the course itself deemed not irreconcileable with the constitution

"This is the hasty view I have taken of the subject. I am ware that I may be suspected of being influenced by the habit emaneipation, and as to their condition in the mean time

But the advocates of the constitutional power rely upon precedent, and confidently point to the ordinance of 1787. What strength does this give them, rightly understood? That ordinance was not passed under our constitution, but before its adoption. How, then, can it be regarded as an interpretation of the constitution, when, at its passage, the constitu-tion was in the womb of futurity? So far, then, as the precedents of Ohio, Indiana, Illinois, Michigan, and Wisco (the five States carved out of the Northwestern Territory) are invoked, upon examination, they rest upon the " baseless

As to the reason of the passage of the ordinance of 1787, under the old Confederation, listen again to Mr. Madison : "I have observed, as yet, in none of the views taken of the linance of 1787, interdicting slavery northwest of the river Ohio, an allusion to the circumstance that when it passed, Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of, the right to import them; and, consequently, that there was no mode in which Congress could check the evil, but the indirect one of narrowing the space open for the eception of slaves.

"Had a federal authority then existed to prohibit, directly

and totally, the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of "—Mr. Madison to Mr. Monroe, February 10, 1820.

Mark, pender well, and apply the testimony of James Madison. The ordinance of '87 was passed, because the old Confederation had not the power to abolish the African slavetrade. It was intended as an indirect blow at that trade, by narrowing the space open for the reception of slaves"
"Had a federal authority" then existed, such as is given inder the present constitution, Mr. Madison gives it as his opinion that the ordinance of 1787 "would not have been dopted, or perhaps thought of." Who so competent to give an opinion as that good and great man, who was an actor in the scenes of that day? What, then, becomes of the beasted precedent of the ordinance of 1787?

The Missouri compromise is next relied on as furnishing precedent. The circumstances under which it passed weak-ens, if it does not destroy, its force. The country was convulsed and the Union in danger. Statesmen might, and no loubt did, regard it as a great State necessity. If a violation of the constitution, the wound was inflicted to save the Union and the constitution. If a violation of the constitution, it was by Northern men; it was forced on the South by the Yet the South, loving the Union, for peace and harmony, have always been willing to abide by and extend that compromise. Not so with the North. But, in further reply to the argument of precedent, I quote

from a great statesman of the age :

"When gentlemen attempt to carry this measure upo "When gentlemen attempt to carry this measure upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice the utility of uniform decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation, and administration of the law, this practice is wise and proper; and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far other wise when applied to the source of legislation. Here no rule exists but the Constitution; and to legislate upon the ground merely that our predecessors thought themselves.

the ground merely that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and to perpetuate usurpation."

"This doctrine of precedents, applied to the Logislature, appears to me to be fraught with the most mischievous conseences. The great advantage of our system of Governmen-er all others is, that we have a written constitution, defining its limits, and prescribing its suthorities; and that however, for a time, faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when, calmly retracing their deeds, all aberrations from fundamental principle will be corrected. But once substitute practices for principle, the exposition of the constitution for the text of the constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended constitution for England, and must be sought for in the statute book, in the fugility journals of Congress, and in reports of the Secretary of the Treasury. What would be our condition if we were to take the interpretations given to that sacred book which is, or ought to be, the its limits, and prescribing its suthorities; and that however What would be our condition if we were to take the interpre-tations given to that sacred book which is, or ought to be, the criterion of our faith, for the book itself? We should find the holy Bible buried beneath the interpretations, glosses, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious seeks, partak-ing larger than mildness and meckness of their origin than of a have produced awarms or intolerant and unious seems, ing less of the mildness and meekness of their origin to vindictive spirit of hostility towards each other. The to afford us a solemn warning to make that constitution They ought we have room to support, our invariable guide, '
Speech in the Senate of the United States, 1311.

proviso is uncons itutional? Congress has no power to pass it.

expensive and harassing litigation. This consideration would certainly have prevented many from being taken there. The South did not think the Territories would be a proper theatre for slave labor. She did not mean, however, to yield the principle, that the precedent might hereafter be urged against her. The North concurred in the opinion that Nature had marked it as the proper theatre for free labor; yet, in the arrogance of power, she demanded the precedent that in these Territories, and in all which might be "hereafter acquired," slavery should be interdicted. Waiving my opinion as to the safety of slave property carried to these Territories. acquired," slavery should be interdicted. Waiving my opinion as to the safety of slave properly carried to these Territories, I readily admit that the national opinion seems to be
against the legality of slavery there, without legislation; and
from this, in conjunction with the expressed opinion of one,
if not more, of the judges of the Supreme Court, I would now
have no confidence in that tribunal deciding in favor of the
South. Am I not correct, then, that the South made great concessions for the peace and harmony of this Union in voting for the "Clayton compromise bill?"

If I have sustained the position that the Wilmot proviso is

nconstitutional, I think I can make it clear that Congress has the power, and it is its duty, to legislate for the protection of slave property carried there.

The Territories are the common property of the States of this Union. The States have the right to require such legislation as may be necessary to protect the preperty of its citizens who may choose to emigrate. If, under the Mexican law, the cottons, the woollens, the machinery, and all the manufactories of Massachusetts were interdicted in California, or there was a serious doubt of their safety under those laws, would not the people of Maseachusetts insist, to a man, that Congress should pass such laws as might be necessary to give its citizens security for their property when landed in the Ter-ritory? What would be the tide of indignation running through the "Old Bay State," and all others similarly situ ated, if the South resisted it, and resisted it, too, on sect grounds—that Massachusetts ought not to manufacture; that by depriving her of a market the goods should rot on her hands, and all her splendid establishments be broken up? As, by the Mexican law, slavery is interdicted in California, and serious doubts exist whether the Constitution of the United States will protect slave property which may be carried to that Territory, has not the South the right to require of Congress such legislation as may be necessary to secure her rights to such property of her citizens who may choose to take it to such Territory? Wherein do the cases differ? The fable will answer: "Tis your bull which has gored my ox." Congress has the right to legislate. But it cannot discriminate in favor of one State, or one class of States, to the preudice of the rest. Congress should legislate so as to carry nto effect this resolution which I have drawn up, as express-

ing the point on upon the subject.

Resolved, That the Territories, the common property of the States of this Union, should be open to all its citizens; that all who emigrate, from each and every State, are equally entitled to legislative protection for property, which is recognised as such, under the laws of the State from which they nay emigrate.

Why, will you seek to monopolize all the Territories we have and all the Territories we may in future acquire? it humanity to the slave? Will it improve his condition it humanity to the slave? Will it improve his condition? Heed what Mr. Madison says in the extract I have read. The extension of slavery within our borders, wherever that labor is profi.able, conduces to the comfort of both master and slave. It tends to ameliorate his condition, and make the institution more manageable to any State which may choose to pass a prospective emancipation law. Where slave labor is profitable it will go; where not, it will stop. It will regulate itself, with amelioration to the slave, justice to the master, and safety to the Union. Is it for the sake of political power? This is avowed h

many, and felt by all. Does the North complain of the representation of three-fifths of our slaves? It is a part of the constitution, and a fundamental article. Will confining slavery to its present limits diminish that representation? The African slave trade is cut off; the Wilmot proviso would operate alone upon the saves in the country. If 100,600 were taken from Virginia and transferred to California, they would cease to be represented in Virginia, but would be in California. How, then, does the mere transfer from one State to nother increase the power of the South in the House of Representatives? Not at all. In the Senate it is different, ar there the political power of the North would be increased. I aid the political power in the South would continue the same by the mere exchange of the slaves now in the States from one State to another. But it is professed by the North that their policy is to coop them up within the present limits until they become so numerous that their continuance as slaves will be intolerable to the South. It is to force emancipation, without reference to the consequences to either race. He is ignorant of Southern society, and understands nothing of human nature, who supposes that emancipation in the South can be safely effected by leaving them in the country. No, this cannot be done. The poorest white man in the South would resist it, and seal that resistance with the last drop of blood which warms his heart. There is a distinction in the races of the South; they are not equals; they are masters and slaves; superiors and inferiors. They have been so for generations, and will continue so. The prejudices of color can never be overcome upon Southern soil. Coop them up in their present limits, and you may force a war between the races; but it will be a war of extermination to the blacks. rith scenes of horror which history has painted in other countries. But fanaticism, under the garb of philanthropy, would press it to these consequences, and the mass of the North, whilst condemning, still lend a beloing hand. Is this the spirit of brethren ' Is this no grievance to the South ' she unjustly complain of legislation intended to effect and necessarily bringing about such results?

On the question of constitutional justice, I demand with what propriety can it be asked by Northern men that the common property of the Union, paid for out of the common reasury, and won by the common valor, should be monopo lized by the North? that the South should have no part no lot in the matter? that a slave State to be formed out of that Territory should not be admitted into the Union? treating us as equals? I ask gentlemen, are you treating us as freemen-as the descendants of noble sires? Our fathers vere the equals of your fathers ; their sons are your equals. We claim no superiority; but, with the blessing of God, with strong hearts and firm nerves, let whatever will come, the South cannot and will not permit the brand of inferiority to

e marked upon her forehead. We ask, then, nothing but justice. Are you willing to ward us justice? If you are, there will be peace, and union, and prosperity, and happiness. But if this Government which was intended as a shield—and a shield to the weak should trample under foot the rights of the South and the provisions of the constitution; if the North appeal to the bullo box. (for the ballot-box has become sectional on this ques ion,) and ask us to submit, we will appeal to a violated charter; we will stand on the very foundation on which our fathers stood; we will stand on the principles of '76, and the same spirit that animated them will animate their descendants. And now, gentlemen, say, will you render us justice? We ask but our rights. Think not you can press us to the wall "Greek will meet Greek. and meet no resistance. No! You are as brave as we are. But your arm will be unnerved in such an unholy crusade. We will battle upon our own soil, for our wives, our children, our hearth-stones; a cow-

"He is trebly armed whose cause is just." Press that issue upon us, and we will appeal to the god of battles with more faith and stronger confidence than our fa-

thers did, when they pledged "life, fortune, and sacred Mr. Chairman, what were the great objects for which the constitution was formed? The preamble declares it: To form a more perfect union, to establish justice, to ensure demestic tranquillity, to provide for the common defence, to secure the blessings of liberty to ourselves and our postersty Does the agitation of the slavery question establish justice To this there is a negative response in the heart of every honest man. Does it ensure domestic tranquillity? Let the embittered feelings, the wide-spread dissensions, the fearful apprehensions which now distract Congress, are convulsing the nation, and shaking our Union to its deepest foundations, them answer. Does it tend to the common defence? In union, there is strength; in discord, weakness. Does i secure the blessings of liberty to ourselves and our posterity is hazarding these blessings to every section of this Union

Speak, then, men of the North, the calming words, " Peace,

I ask members from the North, and through them I ask their constituents, does the agitation of the slavery question promote one of these objects? Yea! I will near if it does promote one of these objects? Yea! I will near if it does not defeat them all? A perfect union is a union of interest; a union of brotherly affection and love; that an injury to the weakest member of the North should be felt by every Southern heart, and a wound inflicted upon the feeblest Southern State should meet with a generous response in every Northern State should meet with a generous response in every Northern state of the sixth and the should meet with a generous response in every Northern state of the sixth and the sixt State should meet with a generous response in every Northern bosom. An injury by a stranger's hand is felt and resented; but oh how painful the wound and bitter the feelings when inflicted by a brother's. I beseech you to pause; by the me-mories of the past and the hopes of the future, break not the last golden cord; let us weave them snew and bind them around the Union with the patriotic fervor of our noble ancestors. Let us come together with brotherly love, and sacrifice upon the altar of the Union every unhappy sectional feeling; let the pure moense of patriotism ascend from our hearts, as it did from those of Washington, of Hancock, of Madison, of Adams. Let us think of the glorious destiny before beech in the Senate of the United States, 1311.

Mr. Clay's us, with a "perfect Union;" let us think of the millions who are to succeed us, and the curses which will rest upon us, Mr. Chairman, have I not established that the Wilmot should we be faithless to the sacred trust we hold for posterity; think of the oppressed nations of the earth who are looking The South made great concessions, in voting with such unanimity for the "Cicyton compromise bill." She thus manifested her deep devotion to the Union. Most Southern men (and I with them) thought that the shield of the constitution would protect slave property carried to the Territories. That petitions for the abelition of slavery in the Brates, or half the States, high legal stain-man half the States, high legal stain-ma

will austain you. It requires stout hearts and firm nerves.
You have both. Do it! Posterity will rise up and call you bleased. "The Union one and indivisible, now and forever;" but the Union with the Constitution.

TELEGRAPH REPORTS, &c.

The EUROPEAN STEAMER NIAGARA arrived at Halifax on Thursday. No account of her news had reached here at a late hour last night.

Dates from SANTA FE to the 6th February have been rereived by persons who lately arrived at St. Louis. There is no news at Santa Fe. The plains are covered with snow to the depth of twenty inches. The Apache Indians evince much hostility, and continue their depredations upon travellers. One of the party, who came overland from California, (having left there on the 20th November,) says that the road s literally strewn with property of every description which had been thrown away by the emigrants.

The TREMONT House, at Boston, suffered some damage by fire on Thursday forencon. It caught in the attic, and caused much consternation and excitement amongst the numerous inmates of that extensive hotel. The extent of the damage is not stated.

BALTIMORE, MARCH 22-5 P. M. Our market is rather unsettled, dealers holding off for the steamer. Sales of 700 barrels Howard street flour at \$4.62; City Mills same price. Sales of red wheat at 113 a 114 cents ;

112. Corn is steady: sales of white at 49 a 50 cents, and yellow 51 a 53; oats 32 a 33. Nothing new n provisions or groceries.

The receipts of tobacco are increasing, and the market throughout the week has been rather quiet. No sales of mo-ment. The tendency of prices is rather to decline. The im-portations are 359 hogsheads, of which 339 are Maryland.

There is nothing doing in wool, and prices tending to de-ine. Whiskey 24 a 25 cents. Stocks are more active. Sales of \$10,000 U. S. 6's (1867) at 114g; 225 shares Baltimore and Ohio Railroad at 55;

Baltimore and Susquehanna do. 201; Maryland 6's 1011 The money market is more easy, with free discounts on liberal terms.

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d at the store of TAYLOR & MAURY, Pennsylvania avenue near 9th street.

BARE CHANCE FOR CAPITALISTS .- Per A haps a more rare chance for profitable and handsome investment has not occurred for a long time than the present. The subscriber offers at private sale his beautiful and fine estate, situated on the Potomac river, in Charles county, Maryland, about twenty miles below Alexandria and thirty from Washington, containing about 731 acres, with a variety of soil, from the fine flowery soil for making the No. I bright yellow tobacco, to the alluvial bottom and stiff clayey soil for wheat and meadow land, with a large proportion of the latter. The improvements consist of a large, commodious, and well-arranged dwelling house, with pantries, closets, and fine dry cellars, and built at a cost of nearly \$6,000, located on an eminence from which the prospect commands a view of nearly the whole farm, a view of the Potomac and adjacent country, which is picturesque and beautiful; also, of an overseer's ry, which is picturesque and beautiful; also, of an overseer's nouse, four No. 1 houses for servants, stable, and carriage house, three fine barns, one among the best corn-houses in the country, a rat-proof meat-house, dairy, ice-house, fire-proof ash-house, with all the necessary poultry-houses, &c. The whole buildings are nearly new, built in she best style,

The whole buildings are nearly new, built in she best style, and of the best materials.

The peach and apple orchards are extensive, and are of the best budded and gratted kinds, now in full bearing; together with a great variety of other choice fruits, such as grapes, quinces, cherrics, apricots, plums, pears, rasyberries, strawberries, &c. The adjacent waters abound in the finest fish and wild fowl in their season. It is convenient to churches of different persussions, to grist and saw mills, to post office and blacksmith shop, &c. The facilities of gatting its products to market by vessels and steamboats are very great; 1,000 bushels of wheat can be shipped in a day. The place is acknowledged by all who know it to be a healthy one. The whole estate would make three desirable-sized farms, and would be sold altogether, or in three parts, as may be desirable; one of 295, one of about 256, and one of about 200 acres.

The place is well watered, has a superabundance of wood, and The place is well watered, has a superabundance of wood, and an immense quantity of fine locust and ship timber. Lime in any quantity can be contracted for to be delivered within half

a mile of the dwelling at eight cents per bushel.

The adjoining farm, containing only 400 acres, and no better land than this, has been rented out for three years for one-third of the crop, which third amounted to more than \$1,000 per sear for the two first years, and upwards of \$1,100 the Unird year. for the two first years, and upwards of \$1,100 the Unird year.

Persons wanting such an estate, or a part of it, would do well to visit it and judge for themselves, for to see it would be but to admire and appreciate its worth. Disint crested gentlemen, of high standing and good judgment, when speaking of this farm, have said that, taking all things into consideration, the character and quality of the improvements, its local advantages, &c., in their opinion it was certainly and decidedly the best farm in the county. CHARLES 1. PYE, out 6—wNitt Near Port Tobacco, Charles county, Md.

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